



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2021

CORAM

THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P.No.18367 of 2021

and

W.M.P.Nos.19574 & 19577 of 2021

Nataraja Gounder Kanakasabapathy
No.238, Thammannan Road
Arisipalayam, Salem-636 009.

... Petitioner

-Vs.-

The Deputy Commissioner of Income Tax
Circle-1, Income Tax Office,
No.3, Gandhi Road,
Salem-636 007.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the respondent dated 31.03.2021 in DIN:ITBA/AST/S/148/2020-21/1032098213(1) issued under Section 148 of the Income Tax Act, 1961 for the assessment year 2014-2015 in PAN:AJFPK1282N and quash the same.

For Petitioner : Mr.T.Vasudevan

For Respondent : Mr.A.N.R.Jayaprathap
Junior standing counsel

O R D E R

After some arguments, Mr.T.Vasudevan, learned counsel on record for sole writ petitioner sought leave of this Court to withdraw the captioned writ petition and sent a 'memo of withdrawal' dated 03.09.2021 by electronic mail to Registry of this Court, a scanned reproduction of the electronic mail and 'Memo of withdrawal' sent under cover of the same is as follows:



31/09/2021, 10:48

Case:- Item No.3 - MSJ - VC - 41

M Gmail

JR writ #jrwritmhc@gmail.com>

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Item No.3 - MSJ - VC - 41

2 messages

Vasudevan T. vasudevan68@gmail.com>
To: jrwritmhc@gmail.com
Cc: jayashashap@gmail.com

3 September 2021 at 10:19

Respected Sir,

I kindly request your good office to place the Memo for Withdrawal of the W.P. No. 18367 of 2021 before the Court of Honble Mr. Justice M. Sundararaj.

Yours Faithfully,
T.Vasudevan
Counsel for Petitioner

WP, no.18367 of 2021 - Memo.pdf
100K

JR writ #jrwritmhc@gmail.com>
To: vasudevan68@gmail.com

3 September 2021 at 10:27

30/09/2021, 10:27

WP, no.18367 of 2021 - Memo.pdf
100K

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P. No. 18367 OF 2021

Nataraja Gounder Kanakasabapathy
No.238, Thammannan road,
Arisipalayam, Salem - 636009.

.....
Vs

Petitioner

The Deputy Commissioner of Income Tax
Circle-1, Income Tax Office,
Salem-636007.

.....

Respondent.

MEMO FOR WITHDRAWAL

I am the counsel representing the petitioner in the above Writ Petition.
I humbly pray that I may be permitted to withdraw the writ petition that is listed
as item no.3 in today's cause list.

Dated this the 3rd day of September 2021 at Chennai.


Counsel for petitioner



2. Learned counsel on record for writ petitioner reiterates the contents of the aforementioned withdrawal memo in the virtual hearing.

3. Though it is withdrawal simplicitor, it is made clear that proceedings pursuant to the impugned notice can go on as per law, which will include GKN Driveshafts principle [GKN Driveshafts (India) Ltd., Vs. Income-Tax Officer and others reported in (2003) 259 ITR 19] and on its own merits.

4. Therefore, captioned Writ Petition is disposed of as withdrawn, preserving rights of both sides in the aforesaid manner. Though obvious, it is made clear that no opinion or view has been expressed in this order on the merits of the matter. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mk

To

The Deputy Commissioner of Income Tax
Circle-1
Income Tax Office
No.3, Gandhi Road,
Salem-636 007.

+1CC to Mr.A.P.Srinivas, Sr. Standing Counsel for Income Tax,
Sr.No.44512

W.P.No.18367 of 2021
and
W.M.P.Nos.19574 & 19577 of 2021

KSM (CO)
K.RK. (21.09.2021)